

THE ROSEN LAW FIRM, P.A.

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Lead Counsel for Lead Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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STANLEY YEDLOWSKI, <i>et al.</i>,	:	Case No. 14-CV-8020-FLW-TJB
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
ROKA BIOSCIENCE, INC., <i>et al.</i>,	:	
	:	
Defendants.	:	
<hr/>		x

[PROPOSED] ORDER

WHEREAS, the Court has granted final approval to Settlement of the above-referenced class action;

WHEREAS, Lead Counsel, The Rosen Law Firm, P.A. appointed by the Court as Class Counsel for the purposes of the Settlement have petitioned the Court for an award of attorneys' fees in compensation for the services provided to Lead Plaintiff and the Class, and reimbursement of expenses incurred in connection with the prosecution of this action, to be paid out of the Escrow Account established pursuant to the Settlement; and

WHEREAS, the Court has reviewed the fee application and the supporting materials filed therewith, and has heard the presentation made by Lead Counsel during the final approval hearing, and due consideration having been had thereon.

NOW, THEREFORE, it is hereby ordered:

1. Lead Counsel are awarded \$_____ as attorneys' fees in this Action, together with a proportionate share of the interest earned on the fund, at the same rate as earned by the balance of the fund, from the date of the establishment of the fund to the date of payment.

2. The expenses of Lead Counsel shall be reimbursed out of the Escrow Account in the amount of \$_____.

3. Except as otherwise provided herein, the attorneys' fees, and reimbursement of expenses shall be paid in the manner and procedure provided for in the Stipulation of Settlement filed May 20, 2016 (dkt. # 45).

4. Lead Plaintiff shall be awarded \$_____ as an incentive award and reimbursement for his lost time in connection with his prosecution of this action.

5. In making this award of attorneys' fees and reimbursement of expenses to be paid from the Escrow Account, the Court has considered and found that:

(a) the Settlement has created a fund of \$3,725,000 in cash, plus interest to be earned thereon, and Class members who file timely and valid claims will benefit from the Settlement created by Lead Counsel;

(b) over 2,631 copies of the Individual Notice and Claim Form were disseminated to putative class members indicating that at the November 9, 2016 final approval hearing, Lead Counsel intended to seek a fee of up to 33^{1/3} % of the Settlement Amount in attorneys' fees, and reimbursement of their litigation expenses in an amount not to exceed \$50,000;

(c) the Summary Notice was published in *Investor's Business Daily* and *The Wall Street Journal* as required by the Court, and ____ objection(s) was/were filed against either the

terms of the proposed Settlement or the ceiling on fees and expenses to be requested by Lead Counsel, or objections were filed but the Court overrules those objections;

(d) Lead Counsel have conducted this litigation and achieved the Settlement;

(e) the litigation of this Action involved complex factual and legal issues and was actively prosecuted since its filing and in the absence of a Settlement, the Action would have continued to involve complex factual and legal questions;

(f) if Lead Counsel had not achieved the Settlement, there was a risk of either a smaller or no recovery;

(g) Lead Counsel have devoted over 520.9 hours of professional time to the prosecution of this action, with a lodestar value of \$317,500 to achieve the Settlement; and

(h) the amount of attorneys' fees awarded and expenses reimbursed from the Escrow Account are consistent with the awards in similar cases.

Dated _____, _____ 2016

SO ORDERED:

HON. FREDA L. WOLFSON